

LBNL – PROCUREMENT STANDARD PRACTICES

Section: 15 Subcontracting by Negotiation

Subject: 15.9 Unsolicited Proposals

PURPOSE: This standard practice (SP) establishes the procedures for consideration of unsolicited proposals.

POLICY: An unsolicited proposal shall not be considered as a basis for a sole-source subcontract unless it provides a unique approach unavailable to the Laboratory from another source.

SCOPE: This SP applies to all unsolicited proposals.

DEFINITIONS:

Unique and Innovative Concept A unique and innovative concept is a concept that, in the opinion and best knowledge of the Laboratory, contains novel or distinctive, new, or original concepts, approaches, or methods.

Unsolicited Proposal An unsolicited proposal is a written proposal that is submitted to the Laboratory on the initiative of a university or company for the purpose of obtaining a subcontract with the Laboratory, not one that is submitted in response to a formal solicitation.

PROCEDURES:

Background Programmatic personnel routinely discuss technical issues with their counterparts in industry and academia. Frequently, these discussions result in an unsolicited proposal to perform work.

Protection and Limited Use of Data Unsolicited proposals may be marked with proprietary legends to protect technical and other data, including trade secrets and privileged or confidential commercial or financial information made available to the Laboratory solely for the purpose of evaluating the unsolicited proposal. Proposals containing proprietary information must be held in confidence and safeguarded so that the information is not disclosed outside the Laboratory without the permission of the owner.

Sole-Source Justification No solicitation may be generated based on an unsolicited proposal until a justification for a sole-source subcontract has been approved (see SP 6.2, *Sole-Source Subcontracts*).

If the unsolicited proposal fails to meet the criteria for a sole-source subcontract or if the Laboratory chooses not to pursue the unsolicited proposal, all copies of the proposal must be returned to the owner.

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RESPONSIBILITIES:

**Procurement
Specialist**

The procurement specialist must:

- Hold unsolicited proposals in confidence and safeguard proprietary information from disclosure outside the Laboratory without the permission of the owner;
- Obtain a valid justification of sole-source subcontract before proceeding with a solicitation based on an unsolicited proposal; and
- Ensure that all copies of unsolicited proposals that will not be pursued by the Laboratory are returned to the owner.